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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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NOV - 3 2005

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFOR.

10
11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13
14 RILEY A. CHAVIS,

15 Plaintiff,

16 vs.

17 MERCK & CO., INC.,

18 Defendants.

No. CV 05-3553 ~~WHA~~

MHP

STIPULATION AND [PROPOSED] ORDER
STAYING PROCEEDINGS PENDING
TRANSFER TO *IN RE VIOXX PRODUCTS*
LIABILITY LITIGATION, MDL NO. 1657

ORIGINAL

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

1 The parties, by and through their counsel, stipulate to and respectfully request a stay of all
2 proceedings in this action pending the transfer of this case to *In re VIOXX Products Liability*
3 *Litigation*, MDL No. 1657.

4
5 Plaintiffs allege personal injuries and loss of consortium attributed to the prescription drug
6 Vioxx®. Defendant Merck & Co., Inc. ("Merck") manufactured and distributed Vioxx, but
7 voluntarily withdrew Vioxx from the market on September 30, 2004.

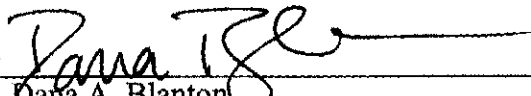
8
9 On February 16, 2005, the Judicial Panel on Multidistrict Litigation ("JPML") issued an
10 order transferring 148 Vioxx-related cases to the United States District Court for the Eastern District
11 of Louisiana for coordinated pretrial proceedings under 28 U.S.C. § 1407. On September 30, 2005,
12 the JPML issued a conditional transfer order of this case to the Vioxx MDL that will become
13 effective when it is filed in the Office of the Clerk of the United States District Court for the Eastern
14 District of Louisiana. A copy of the conditional transfer order is attached hereto as Exhibit A.

15
16 While the transfer order is pending, a stay will potentially conserve judicial resources and
17 will not cause unfair prejudice to the parties. *See Rivers v. Walt Disney Co.*, 980 F. Supp. 1358,
18 1360 (C.D. Cal. 1997) (stay pending MDL transfer decision action would further judicial economy
19 because "any efforts on behalf of this Court concerning case management will most likely have to be
20 replicated by the judge that is assigned to handle the consolidated litigation").

21
22 Based on the foregoing, the parties respectfully request that the Court stay this action
23 pending its transfer to MDL No. 1657.

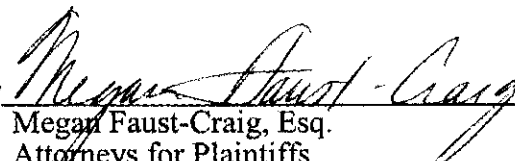
1 DATED: October 20, 2005.

2 REED SMITH LLP

3 By 
4 Dana A. Blanton
5 Attorneys for Defendant
6 Merck & Co., Inc.

7 DATED: October 25, 2005.

8 SPECTER SPECTER EVANS & MANOGUE PC

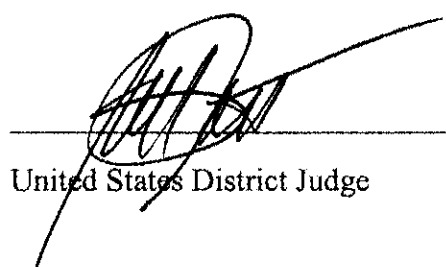
9 By 
10 Megan Faust-Craig, Esq.
11 Attorneys for Plaintiffs

12
13 ORDER

14
15 Having considered the foregoing stipulation and good cause appearing therefore, IT IS SO
16 ORDERED.

17
18 DATED:

19 11/7/05

20 
21 United States District Judge
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